

## PREFACE

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This city code of the city of Kingfisher, as supplemented, contains ordinances up to and including ordinance 952, passed August 11, 2014. Ordinances of the city adopted after said ordinance supersede the provisions of this city code to the extent that they are in conflict or inconsistent therewith. Consult the city office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

Sterling Codifiers  
Coeur d'Alene, Idaho

## CHAPTER 1

**CODES AND CODE ADMINISTRATION**

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10-1-1: **CODES ADOPTED:** The particular codes listed below (with revisions as may be hereinafter set forth) are hereby adopted and incorporated in this code, as fully as if set out at length herein, for the purposes of establishing rules and regulations for the following activities carried on within the corporate limits of the city:

- A. **Building Code:** The construction, alteration, removal, demolition, equipment uses, occupancy, location and maintenance of building and structures.

Basic building code. International building code, 2009 edition, issued by International Code Council, Inc. (ICC).

- B. **Residential Code:** Regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings.

Basic residential code. International residential code, 2009 edition, issued by International Code Council, Inc. (ICC).

- C. **Property Maintenance Code:** Regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use.

Basic property maintenance code. International property maintenance code, 2009 edition, issued by International Code Council, Inc. (ICC).

- D. **Plumbing Code:** The installation or alteration of plumbing and drainage systems for buildings and structures.

Basic plumbing code. International plumbing code, 2009 edition, issued by International Code Council, Inc. (ICC).

- E. **Mechanical Code:** The installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto.

Basic mechanical code. International mechanical code, 2009 edition, issued by International Code Council, Inc. (ICC).

- F. **Electrical Code:** The installation or alteration of electrical equipment for buildings or structures.

National electrical code, 2011 edition, issued by the National Fire Protection Association (NFPA).

- G. **Gas Code:** The installation of gas piping and gas appliances:

Basic/standard gas code. International fuel gas code, 2009 edition, issued by International Code Council, Inc. (ICC).

- H. **Fire Prevention Code:** The provision of basic safeguards to life and property from the hazards of fire, smoke, and toxic fumes.

Life safety code. NFPA 101 edition 2012, issued by National Fire Protection Association (NFPA). (Ord. 941, 11-14-2011)

10-1-2: **MODIFICATIONS OF ADOPTED CODES:**

- A. Wherever the words "city", "town", or "municipality" are used in those codes adopted, it shall mean the city of Kingfisher.

- B. Wherever the words "inspector", "building inspector", "building official", or "code official" are used in those codes adopted, it shall mean the municipal official currently assuming the duties and responsibilities of municipal building inspector for the city.
- C. All official titles used in those codes adopted shall be interpreted as defined in this city code.
- D. Maximum penalties for violation of provisions of those codes are provided in title 1, chapter 4, "General Penalty", or appendix A, "Fines And Fees Schedule", of this code.
- E. All limits referred to in any of those codes adopted by this chapter are hereby established as the corporate limits of the city of Kingfisher, or connection to city utilities. (Ord. 941, 11-14-2011)

10-1-3: **CODES IN EFFECT:** From the effective date hereof, the provision of said codes, as herein modified, shall be controlling in those areas set forth hereinabove, within the corporate limits of the city. (Ord. 941, 11-14-2011)

10-1-4: **CONFLICTS WITH CITY CODE:** Whenever any provision of any codes adopted by this chapter conflict with the city code, the latter provisions shall govern. (Ord. 941, 11-14-2011)

10-1-5: **ENFORCEMENT OF CODES:** Any municipal official or other employee designated by the city shall be responsible for enforcing the codes adopted by this chapter. Said persons may bear such titles as "building inspector", "mechanical inspector", "plumbing inspector", "electrical inspector", etc., as may be deemed appropriate to indicate their respective areas of concern, and shall be appointed or designated by the city manager. (Ord. 941, 11-14-2011)

10-1-6: **INSPECTIONS:** The code official shall make all the required inspections, or the code official shall accept reports of inspection by approved agencies or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report

upon unusual technical issues that arise subject to the approval of the appointing authority. (Ord. 941, 11-14-2011)

**10-1-7: APPEAL FROM DECISION OF BUILDING OFFICIAL:**

- A. **Time Limit For Filing Appeal:** Appeals from any action of the building official may be taken to the board of city commissioners by any person aggrieved, or by any officer, department, or board of the municipality affected by any decision of the building official. Such appeal shall be taken within three (3) days from the date of the decision of the building official, or in the event of the failure of such building official to issue or refuse a permit, as herein provided, such appeal shall be within three (3) days from the expiration of the ten (10) day period therein provided; and such appeal shall be taken by filing with the building official and with the board of city commissioners, within such time, a notice of appeal, specifying the grounds therefor. The building official shall forthwith transmit to the board of city commissioners certified copies of all the papers constituting the record in such matter, involved in such appeal, together with a copy of the ruling or order from which said appeal is taken.
- B. **Appeal Stays Proceedings:** An appeal stays all proceedings in furtherance of the action appealed from unless the building official certifies to the board of city commissioners, after the notice of the appeal has been filed, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceeding shall not be stayed other than by a restraining order which may be granted by the board of city commissioners, or by a court of record on application or notice to the building official.
- C. **Conduct Of Hearing; Decision:** The board of city commissioners shall hear said appeal within ten (10) days from filing thereof, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any person may appear in person or by his agent or by his attorney.
- D. **Appeal Decision To District Court:**
1. An appeal from any action, decision, ruling, judgment, or order of the board of city commissioners may be taken to district court by any person or persons, jointly or severally aggrieved or by any taxpayer or any officer, department, board or bureau of the municipality, by filing with the city clerk and with the board of city commissioners

within ten (10) days a notice of such appeal, which notice shall specify the ground of such appeal. No bond or deposit for costs shall be required for such appeal. Upon filing of the notice of appeal, as herein provided, the board shall forthwith transmit to the court clerk of the county, the original or certified copy of all the papers constituting the records in the case, together with the order, decision or ruling of the board.

2. An appeal to the district court from the board of city commissioners stays all proceedings in furtherance of the action appealed from unless the mayor or the board of city commissioners certifies to the court clerk, after notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order granted by the district court upon application or notice to the building official and the mayor of the board of city commissioners. (Ord. 941, 11-14-2011)

**10-1-8: PERMIT REQUIREMENTS AND FEES:**

**A. Building Permit:**

1. Permit Required: No person, firm, partnership, corporation or individual shall erect, enlarge, construct, relocate, substantially improve, repair, place, alter, move or demolish any building, structure, mobile or modular home, or other construction without first obtaining a separate building permit for each such building or structure from the office of the building official, and other city officials.

2. Flood Hazard Areas: No manmade change to improved or unimproved real estate located within a designated "flood hazard area", including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be initiated until a separate building permit or special use permit has been obtained for each such operation from the office of the building official<sup>1</sup>.

3. Application For Permit; Payment Of Fee: Applications for building permits shall be signed and in writing, upon an official blank form

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1. See title 13, chapter 1 of this code.

supplied by the office of the city building official, and shall be submitted to either of said officials, along with the required fee.

4. **Basis For Setting Fees:** Building permit fees shall be as determined by the city commission and shall be based primarily upon the municipal costs incurred in the administration of the city building permit system.

5. **Administration Of Process:** The office of the building official shall be responsible for the administration of the building permit process within the community; building permit application forms may be obtained from, and submitted to, the city building official.

6. **Information On Application:** Applications for building permits shall contain all applicable information required on the building permit form, and shall be accompanied by, drawings of the proposed work, showing floor plans, structural details, computations and such additional information as may be required of the applicant by the office of the city building official, this code or the city commission.

7. **Review Application; Conditions:** Upon receipt of a complete building permit application and the required fee, the building official shall review the application to ensure that:

- a. The involved land is properly zoned for the proposed use;
- b. Applicable zoning district provisions have been met;
- c. Roadway access is available;
- d. Adequate sanitary provisions have been made for utilities;
- e. All easements provided in the recorded plat, if any, are not encroached upon;
- f. All other required municipal permits have been obtained.

8. **Issuance Of Permit:** If the city building official is satisfied that the proposed work described in the application and attached materials conform to the requirements of the adopted zoning ordinance, building code and other regulations and requirements, he shall authorize the issuance of the building permit by signing the application and shall return a copy to the applicant.

9. Denial Of Permit: If the application or attached materials do not conform to pertinent municipal regulations, the city building official shall not approve said application. The building official shall return the application, with written reason(s) attached, to the applicant. The applicant may subsequently amend his application, if possible, and resubmit it, or initiate other action to correct the deficiencies.

10. Time Limit For Permit Decision: The city building official shall complete all required review processes in an efficient and effective manner. The building official shall approve, conditionally approve, or disapprove the building permit application within ten (10) working days, without unreasonable or unnecessary delay.

11. Authority Of Permit: A building permit, once approved and issued, shall be construed as a permit to proceed with the work and shall not be construed as authority to violate, cancel, alter or set aside any municipal regulations, nor shall such issuance prevent the city building official from thereafter requiring a correction of errors in plans, construction or a violation of this chapter.

12. Time Limit For Work To Commence: If the work allowed under an issued building permit has not been initiated and actively pursued within six (6) months from the issuance date of the permit, such permit shall become null and void, unless a request for an extension is submitted to, and approved by, the city building official. If the permit becomes null and void, a new permit must be obtained and the regular fee incident thereto collected, in order for the work to be initiated or resumed.

13. Record Of Permits And Fee Payments: The city building official shall keep a permanent and accurate accounting of all building permits and fee payments and subject to open records act.

14. Revocation Of Permit: The building official may revoke a building permit in case there has been any false statement or misrepresentation as to a material fact in the application or attached materials on which the building permit approval was based.

15. Display Of Permit: Building permits shall be conspicuously displayed on the project or site, in a manner visible from the street.

16. Utility Connections: The city clerk and the city building official shall monitor municipal utility hookup request and shall not allow municipal utilities to be turned on to any unit, structure or project for which a building permit has not been issued.

17. Appeals To Board Of Adjustment: Appeals from any aggrieved person concerning a decision of the city building official relative to the granting of building permits, shall be taken to the Kingfisher board of adjustment, who shall act as the permit board of appeals for the city.

18. Conflicts; Prevailing Provisions: In the event of any conflict between these building permit provisions delineated herein and any provisions of the building code adopted by the city commission, the provisions of this chapter shall prevail.

**B. Pavement Cutting Permit:**

1. Permit Required: It shall be unlawful for any person to cut any pavement on any street or alley within the city without a permit from the office of the building official.

2. Safeguards At Night: Any person cutting such pavement shall maintain proper safeguards, with suitable lights, during the night hours sufficient in number to give adequate warning of danger to all persons.

**C. Damaged Buildings:**

1. Building Repair Permit Required: If any building within the city shall be seriously damaged by fire, the elements, decay, or otherwise, to such an extent as to render it dangerous, or render any part of it dangerous, such building shall not be repaired, or the walls thereof be used for rebuilding upon until the same has been carefully examined by the building official and a permit given for such building or repair to proceed.

2. Removal Of Damaged Buildings: Any existing buildings within the fire limits which may hereafter be damaged by fire, the elements, decay or otherwise to any amount greater than fifty percent (50%) of its original value shall not be repaired or rebuilt, but shall be removed. (Ord. 941, 11-14-2011)

**10-1-9: CONSTRUCTION RELATED BUSINESSES; REGISTRATION AND FEES:**

**A. Plumbing Work:**

1. Every person, firm or corporation, before engaging in the business of plumbing within the city shall pay to the city clerk, through the inspections department, as a registration fee for the purpose of regulating the business, the sums as set by the board of commissioners by motion for plumbing contractors payable in advance to be deposited in the general fund of the city. No registration will be granted until proof of licensing through the construction industries board as required by the state of Oklahoma has been verified. Registration with the city will be from July 1 through June 30 of any year. Fees for such registration shall be in such amounts as set by the board of commissioners as provided in the fines and fees schedule in appendix A, division IV of this code. (Ord. 941, 11-14-2011; amd. 2013 Code)

2. It shall be unlawful for any person, firm or corporation to proceed with any work connected or to be connected with any pipe or pipes of the waterworks or sewer system of the city, or any private plumbing connected or to be connected therewith, until a permit for such work has been obtained from the inspections department. Included in the permit requirement shall be all work as defined in the plumbing code adopted by the city.

3. Any homeowner has the right, if qualified, to do their own plumbing, if they own the property at which they reside. This does not qualify for commercial property; all commercial property must be serviced by a licensed plumber.

4. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric type vacuum breaker, a pressure type vacuum breaker or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer. (Ord. 941, 11-14-2011)

5. All restaurants and food preparation facilities shall install a grease trap and/or grease trap interceptor for the collection of grease that can be removed and disposed of properly. If the establishment uses grease and oil in food preparation, plugged building sewer line are a potential. If the blockage or restriction is in the public sewer main and it can be proven that the establishment is the cause of the blockage, then the establishment may have to pay for the public sewer to be maintained. A fine, per day until the blockage has been fixed, for the responsible establishment shall be imposed in an

amount set by the board of commissioners as provided in the fines and fees schedule in appendix A, division III of this code. Blocking a sanitary sewer line is also a violation of the federal clean water act.

**B. Electrical Work:**

1. Every person, firm or corporation, before engaging in the business of electrical within the city, shall pay to the city clerk, through the inspections department, as a registration fee for the purpose of regulating the business, the sums as set by the board of commissioners by motion for electrical contractors payable in advance to be deposited in the general fund of the city. No registration will be granted until proof of licensing through the construction industries board as required by the state of Oklahoma has been verified. Registration with the city will be from July 1 through June 30 of any year. Registration fees shall be in such amounts as set by the board of commissioners as provided in the fines and fees schedule in appendix A, division IV of this code. (Ord. 941, 11-14-2011; amd. 2013 Code)

2. It shall be unlawful for any person, firm or corporation to proceed with any interior or exterior wiring or any construction, installation, or alteration of any electrical wiring apparatus or fixtures within the city without first having obtained a permit for the particular work from the inspections department. Included in the permit requirement shall be all work as defined in the electrical code adopted by the city.

3. Any homeowner has the right, if qualified, to do their own electrical, if they own the property at which they reside. This does not qualify for commercial property; all commercial property must be serviced by a licensed electrician contractor.

4. All wiring within any commercial building defined in the city zoning ordinance, within the corporate limits of the city, must enclose all electrical wiring in IMC, RMC, or FMC.

5. No meter shall be behind or enclosed behind a locked fence or wall, it must be accessible to meter readers and electric distribution personnel. (Ord. 941, 11-14-2011)

**C. Mechanical Work:**

1. Every person, firm or corporation, before engaging in the business of installing or maintaining forced "heating and air conditioning" within the city shall pay to the city clerk, through the inspections

department, as a registration fee for the purpose of regulating the business, the sums as set by the board of commissioners by motion for mechanical equipment payable in advance to be deposited in the general fund of the city. No registration will be granted until proof of licensing through the construction industries board as required by the state of Oklahoma has been verified. Registration with the city will be from July 1 through June 30 of any year. Registration fees shall be in such amounts as set by the board of commissioners as provided in the fines and fees schedule in appendix A, division IV of this code. (Ord. 941, 11-14-2011; amd. 2013 Code)

2. It shall be unlawful for any person, firm or corporation to proceed with any construction, installation, or alteration of mechanical equipment within the city without first having obtained a permit for the particular work from the inspections department. Included in the permit requirement shall be all work as defined in the electrical code adopted by the city.

3. Any homeowner has the right, if qualified, to do their own heating and air, if they own the property at which they reside. This does not qualify for commercial property; all commercial property must be serviced by a licensed mechanical contractor. (Ord. 941, 11-14-2011)

D. Roofing Work:

1. Every person, firm or corporation, before engaging in the business of roofing or roofing contractor within the city, shall pay to the city clerk, through the inspections department, as a registration fee for the purpose of regulating the business, the sums as set by the board of commissioners by motion for roofing payable in advance to be deposited in the general fund of the city. No registration will be granted until proof of registration through the construction industries board as required by the state has been verified. Registration with the city will be from July 1 through June 30 of any year. Registration fees shall be in such amounts as set by the board of commissioners as provided in the fines and fees schedule in appendix A, division IV of this code. (Ord. 941, 11-14-2011; amd. 2013 Code)

2. It shall be unlawful for any person, firm or corporation to proceed with any construction, installation, or alteration of roofing within the city without first having obtained a permit for the particular work from the inspections department. Included in the permit requirement shall be all work that is to be completed at the defined location. (Ord. 941, 11-14-2011)

**10-1-10: PERMIT RATE STRUCTURE AND FEES; NOTICE FOR INSPECTION:**

- A. **Rate Structure:** The permit rate structure and fees as set forth herein shall be the rate structure of the collection of permits dealing with the construction, remodeling, plumbing, electrical, mechanical, roofing, and gas fees and charges.
- B. **Inspection; Notice:** The holder of a permit shall notify the inspector's office when the installation is ready for under floor, rough-in, and final inspections. It shall be unlawful for equipment to be covered or concealed by building material until proper inspection is made. The inspector shall cause such inspections to be made within forty eight (48) hours of the time of receipt of such notice, exclusive of Saturdays, Sundays, and holidays recognized by the city. (Ord. 941, 11-14-2011)

**10-1-11: FIRE PREVENTION AND SAFETY PROVISIONS:**

- A. **Districts For Storage Of Flammable Liquids And Gases:** The limits in which storage of flammable liquids in outside aboveground tanks is prohibited, and the limits in which bulk storage of liquefied petroleum gas is restricted are hereby established as the fire limits of the city.
- B. **Modifications:** The chief of the fire department shall have power to modify any of the provisions of the fire prevention code adopted in this chapter upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed and the decision of the chief of the fire department thereon, shall be entered upon the records of the department and a signed copy shall be furnished the applicant.
- C. **Appeals:** Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the board of city commissioners within thirty (30) days from the date of the decision appealed.

**D. Violations; Penalties:**

1. **Penalty Imposed:** Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of city commissioners, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine in an amount set by the board of commissioners as provided in the fines and fees schedule in appendix A, division III of this code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

2. **Remedial Action:** The application of the penalty provided in subsection D1 of this section shall not be held to prevent the enforced removal of prohibited conditions. (2013 Code)

**10-1-12: VIOLATION; PENALTY:****A. Failure To Obtain Permit; Fee Doubled:**

1. If any person commences any work on a building or structure before obtaining the necessary permit from the applicable governing body, such person shall be subject to the penalty prescribed herein.

2. Where construction is commenced before a permit is obtained, the permit fees shall be doubled. (Ord. 941, 11-14-2011)

**B. Penalty Imposed; License Revocation:** Any person who shall fail to comply with or violate any of the provisions of this chapter or codes adopted shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount set by the board of commissioners as provided in the fines and fees schedule in appendix A, division III of this code per violation, or the license of such person may be revoked, or both fined and revocation of license may be imposed. (Ord. 941, 11-14-2011; amd. 2013 Code)